

OCT 17 2002  
PATENT & TRADEMARK

DOCKET NO: 17171CIP4DIV

1648  
#8  
PATENT  
Recon.  
10/23/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Klein et al.  
Serial No.: 09/685,828  
Conf. No.: 4591  
Filed: October 10, 2000  
For: METHODS OF IDENTIFYING  
COMPOUNDS HAVING  
NUCLEAR RECEPTOR NEGATIVE  
HORMONE AND/OR ANTAGONIST  
ACTIVITIES  
Examiner: Myron G. Hill

Group Art Unit: 1648

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REPLY AND AMENDMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir,

This communication is in reply to the Office Action mailed July 17, 2002. The Office Action has been carefully considered; Applicants have the following comments.

REMARKS

*Rejection Pursuant to 35 USC §112*

Claims 21-25, 33 and 39 were rejected as being allegedly indefinite. Applicants respectfully traverse this rejection for the reasons stated below.

The Examiner states that it is unclear if the agonist of claim 21 step a) is the same as the ligand of step b) of the same claim. Applicants respectfully submit that the ligand of step b) is any ligand, whether an agonist, antagonist, or inverse agonist. The point is that, for the comparison mentioned by the Examiner, the expression of the reporter gene is measured in the absence of any such ligand, and then the effect of a test compound is measured. If the expression of the reporter gene is less upon contact with a test compound than is seen in the absence of any added ligand (as defined above), then the test compound is determined to be an inverse agonist of the nuclear receptor. Thus, the present claim language is clear to the person of ordinary skill